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Representing the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CONOR CLIMO,

Defendant.

Case No. 2:19-mj-00593-NJK

**STIPULATION TO CONTINUE
PRELIMINARY EXAMINATION
(First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between, the United States of America, through the undersigned, and Paul D. Riddle, Esq., Counsel for defendant Conor Climo, that the Preliminary Examination Hearing currently scheduled for Friday, August 23, 2019, at the hour of 4:00 p.m. be continued to a date and time convenient for the Court, but in no event earlier than 21 days. This stipulation is entered into for the following reasons:

1. Counsel for the defendant met with the defendant on August 16, 2019. Defendant is in custody and does not object to the continuance;
2. The government is producing initial discovery, including the defendant's recorded statement, and counsel for defendant will need additional time to review discovery and to meet with the defendant;

3. The additional time requested herein is not sought for the purposes of delay, but to allow counsel for the defendant sufficient time to effectively and thoroughly research and prepare;
4. Denial of this request for continuance could result in a miscarriage of justice;
5. Denial of this request for continuance would deny undersigned counsel sufficient time to effectively and thoroughly prepare, taking into account the exercise of due diligence; and
6. The additional time requested is permitted under Federal Rule of Criminal Procedure 5.1(d) and excludable in computing the time within which an indictment or information must be filed pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(b) and Title 18, United States Code, Section 3161(h)(7)(A) considering the factors in Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

This is the first request for a continuance filed herein.

WHEREFORE, for the foregoing reasons, the ends of justice would best be served by a continuance of the preliminary hearing.

DATED this 19th day of August 2019.

NICHOLAS A. TRUTANICH
UNITED STATES ATTORNEY

/s/ Nicholas Dickinson

NICHOLAS D. DICKINSON
Assistant United States Attorney

/s/ Paul D. Riddle

PAUL D. RIDDLE, ESQ.
Counsel for Defendant CLIMO

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs.

6 CONOR CLIMO,

7 Defendant.

Case No. 2:19-mj-00593-NJK

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

8 **FINDINGS OF FACT**

9 Based on the pending Stipulation of counsel, and good cause appearing therefore,
10 the Court finds that:

- 11 1. Counsel for the defendant met with the defendant on August 16, 2019. Defendant is
12 in custody and does not object to the continuance;
- 13 2. The government is producing initial discovery, including the defendant's recorded
14 statement, and counsel for defendant will need additional time to review discovery
15 and to meet with the defendant;
- 16 3. The additional time requested herein is not sought for the purposes of delay, but to
17 allow counsel for the defendant sufficient time to effectively and thoroughly research
18 and prepare;
- 19 4. Denial of this request for continuance could result in a miscarriage of justice;
- 20 5. Denial of this request for continuance would deny undersigned counsel sufficient time
21 to effectively and thoroughly prepare, taking into account the exercise of due
22 diligence; and
- 23 6. The additional time requested is excludable in computing the time within which trial
24 must commence pursuant to the Speedy Trial Act, Title 18, United States Code,

1 Section 3161(b) and Title 18, United States Code, Section 3161(h)(7)(A) considering
2 the factors in Title 18, United States Code, Sections 3161(h)(7)(B)(i) and
3 3161(h)(7)(B)(iv);

4 **CONCLUSIONS OF LAW**

5 The ends of justice served by granting said continuance outweigh the best interest of the
6 public and the defendant in an indictment or information being filed within thirty days of the
7 defendant being arrested, because the failure to grant said continuance would be likely to result
8 in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity
9 within which to be able to effectively and thoroughly prepare, taking into account the exercise of
10 due diligence.

11 The continuance sought herein is excusable under Federal Rule of Criminal Procedure
12 5.1(d) and the Speedy Trial Act, Title 18, United States Code, Section 3161(b) and Title 18,
13 United States Code, Section 3161(h)(7)(A) considering the factors in Title 18, United States
14 Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the preliminary examination in the above-captioned matter currently scheduled for August 23, 2019, at 4:00 p.m., be vacated and continued to _____, 2019, at _____ a.m./p.m.

IT IS SO ORDERED.

Entered: _____

United States Magistrate Judge